

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04-cv-12401

Dereck Jackson, Pro Se

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-16

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/8/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on June 22, 2006.

Sarah A Thornton, Clerk of Court

By:

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 6/22/06.

D. K. Barchud
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12401-RCL**

Jackson v. United States of America
Assigned to: Judge Reginald C. Lindsay
Cause: 28:2255 Motion to Vacate / Correct Illegal
Sentenc

Date Filed: 11/09/2004
Jury Demand: None
Nature of Suit: 510 Prisoner:
Vacate Sentence
Jurisdiction: U.S. Government
Defendant

Plaintiff**Dereck Jackson**

represented by **Dereck Jackson**
F.C.I. Schuykill
P.O. Box 759
Minersville, PA 17954-0759
PRO SE

V.

Defendant**United States of America**

represented by **Timothy Q. Feeley**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/09/2004	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by Dereck Jackson.(Stanhope, Don) (Entered: 11/15/2004)

11/09/2004	<u>2</u>	APPLICATION to Proceed in Forma Pauperis, Supporting Documentation and Order by Dereck Jackson. (Stanhope, Don) (Entered: 11/15/2004)
11/30/2004	<u>3</u>	Judge Reginald C. Lindsay : ORDER entered denying Application to Proceed In Forma Pauperis as Moot because there is no filing fee required for Section 2255 action.(Morse, Barbara) Modified on 12/2/2004 to correct date filed (Morse, Barbara). (Entered: 12/02/2004)
11/30/2004	<u>4</u>	Judge Reginald C. Lindsay : ORDER entered SERVICE ORDER re 2255 Motion. Order entered pursuant to R.4 of the Rules governing Section 2255 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order. Service Order and petition served on respondent by certified mail on 12/2/04.(Morse, Barbara) (Entered: 12/02/2004)
12/20/2004	<u>5</u>	RESPONSE to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) by United States of America. (Feeley, Timothy) (Entered: 12/20/2004)
12/20/2004	<u>6</u>	NOTICE of Appearance by Timothy Q. Feeley on behalf of United States of America (Feeley, Timothy) (Entered: 12/20/2004)
12/30/2004	<u>7</u>	MOTION for Extension of Time in Which to File a Traverse to Government's Opposition to his 2255 Petition. by Dereck Jackson.(Stanhope, Don) (Entered: 01/04/2005)
01/26/2005	<u>7</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>7</u> Motion for Extension of Time to File to this extent; Petitioner may have until February 28, 2005 to file a reply to the government's opposition to 2255 petition (Hourihan, Lisa) (Entered: 01/26/2005)
02/08/2005	<u>7</u>	Mail Returned as Undeliverable. Mail sent to Dereck Jackson on 1/26/04. (Stanhope, Don) (Entered: 02/08/2005)
03/09/2005	<u>8</u>	Letter from Dereck Jackson, Seeking Information about Responses in Case. (Stanhope, Don) (Entered: 03/11/2005)
03/10/2005	<u>9</u>	Letter from AUSA Timothy Q. Feeley to Dereck Jackson. (Stanhope, Don) (Entered: 03/15/2005)
03/14/2005	<u>9</u>	Copy of Government's response to Petition (docket entry #5) sent to plaintiff in response to his letter dated 3/6/05

		(Hourihan, Lisa) (Entered: 03/14/2005)
04/01/2005	10	MOTION for Second Extension of Time to File Reply as to 5 Government's Response to 2255 Motion to Vacate filed by Dereck Jackson.(Stanhope, Don) (Entered: 04/05/2005)
04/25/2005		Judge Reginald C. Lindsay : Electronic ORDER entered granting 10 Petitioners Motion for Second Enlargement of Time (Stanhope, Don) (Entered: 04/26/2005)
09/12/2005	11	NOTICE of Change of Address by Dereck Jackson (York, Steve) (Entered: 09/13/2005)
12/05/2005	12	Letter/request (non-motion) from Derrick Jackson. (York, Steve) (Entered: 12/08/2005)
04/05/2006	13	Letter from Dereck Jackson. (York, Steve) (Entered: 04/06/2006)
05/24/2006		Judge Reginald C. Lindsay : Electronic ORDER entered on Motion to Vacate, Set Aside or Correct Sentence (2255). The motion is denied. Neither <i>Blakely v. Washington</i> , 524 U.S. 296 (2004), nor <i>United States v. Booker</i> applies retroactively. Furthermore, the enhancement to the petitioner's sentence was made pursuant to the career offender provisions of the Guidelines and thus did not involve judicial fact-finding. See <i>Apprendi v. New Jersey</i> , 530 U.S. 466, 490 (2000). Because the court made no sentencing decision violative of the principles set forth in <i>Blakely</i> and <i>Booker</i> , the petitioner's claim of ineffective assistance fails both because his counsel's performance was not deficient and because the petitioner suffered no prejudice from the failure of counsel to object to the court's enhancement of the petitioner's sentence. The clerk shall enter judgment for the respondent, dismissing the petition, and shall terminate this case on the court's docket. (Entered: 05/24/2006)
05/25/2006	14	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Hourihan, Lisa) (Entered: 05/25/2006)
06/08/2006	15	NOTICE OF APPEAL by Dereck Jackson. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal

		Record due by 6/28/2006. (fee not paid)(York, Steve) (Entered: 06/09/2006)
06/14/2006	16	Letter/request (non-motion) from Dereck Jackson. (York, Steve) (Entered: 06/14/2006)